

Juvenile Justice Improvement Committee  
Judicial Conference of Indiana

**Meeting**  
January 7, 2011

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met on Friday, January 7, 2011 from 12:00 Noon – 3:30 p.m. at the Indiana Judicial Center.

1. Members present. Christopher L. Burnham, Steve H. David, Roger L. Duvall, A. Christopher Lee, Lori K. Morgan, G. George Pancol, Carl H. Taul and Loretta H. Rush, Chair.
2. Staff present. Jeffrey Bercovitz, Anne Jordan, Angela Reid-Brown, and Jane Seigel provided the committee with staff assistance.
3. Guests present. Judge Charles Pratt; James W. Payne, Director, Department of Child Services; John Ryan, Legal Counsel, Department of Child Services; and Leslie Rogers Dunn, Director, GAL/CASA, Division of State Court Administration.
4. Minutes. The minutes of the meeting on November 5, 2010 were approved.
5. New Interstate Compact on Juveniles. Jane Seigel distributed a summary of a new Interstate Compact on Juveniles, explaining that 45 other states have already adopted it. She reported Sen. Zakas will introduce legislation to make it law in Indiana. She said a new \$10.00 travel permit fee will be introduced which will be kept at the county level. The juvenile will have to be accompanied at all times, which will incur more expenses for the compact.
6. DOC and county costs reimbursement. Jeffrey Bercovitz reported working with DOC to prepare a fix in HEA 1001 (2008) to allow the courts to order parental reimbursement to DOC or a county for monies paid on behalf of juveniles. Committee members discussed the need for better procedures to collect monies on the back end, and the need for reimbursement procedures from DCS.
7. Advisement of rights. The Indiana Judicial Center recently received an inquiry from the Civil Rights of Children Committee, Indiana State Bar Association, about the advice of rights judges give juveniles concerning appeals. Jeffrey Bercovitz reported this advisement is given in the CHINS dispositional dialogue. Committee members agreed by consensus the juvenile should be advised of the right to appeal at the beginning of either a CHINS or Delinquency case. They also agreed the Juvenile Justice Benchbook Committee should look at this issue.
8. Presentation by James W. Payne.
  - a. James Payne, Director, Department of Child Services gave a summary of proposed legislation to members of the committee. This included the following: Fees for fingerprinting, adoption petitions technical corrections, foster home licensure technical correction, consolidation of CHINS with paternity or dissolution cases, child protection team technical correction, interviewing children, professional report sources, fatality reports technical correction, legal

guardianships, foster care license capacity, definition of therapeutic foster family home, fingerprint exception if an individual cannot be fingerprinted, alignment of background check statute for adoptions, placement licensing and probation, child fatality team structure, removal of 90 day reporting requirement, technical correction of party to a TPR case, adoption consent, clarification of definition of prospective adoptive parent vs. adoptive parent, timeframe for notice in termination of parental rights cases via closed circuit TV, definition of custodian, requirement of separate accounts for IV-D incentive monies sent to the county, child protection index security requirements, CAPTA hearing changes to permit the use of hearsay in the administrative review order if no objection.

b. John Ryan reported that three proposed rules on rate-setting are pending. They should be out soon and will be submitted for signature.

c. James Payne said the new policy not requiring probation consultants to be consulted before the use of shelter care and placement less than 30 days was implemented at the first of the year. Jeffrey Bercovitz reported Title IV-E findings still need to be made.

d. James Payne indicated DCS implemented the shelter care policy without the changes agreed upon by the Juvenile Justice Improvement Committee at the October meeting. Jane Seigel agreed to get final policy out to all courts.

e. James Payne distributed a powerpoint presentation on length of placements in CHINS cases and reviewed it with the committee.

f. Judge Rush stated DCS should give counties notice, as soon as possible, of non-compliance with all requirements needed to receive state funding for services or placements for delinquents. Courts should not have to find out many months after a placement is made that language was missing from an order or some other requirement for placement funding was not met which would cause the county to have to pay for a placement.

9. State juvenile public defender.

a. Jeffrey Bercovitz distributed draft legislation (PD 3936) which would establish a state juvenile public defender office. It also included a juvenile waiver of counsel provision.

b. Judge Pratt discussed the requirement of an attorney for the child in a CHINS or Termination case and whether the attorney would represent the wishes of the child or the best interests of the child. If the child was very young, the wishes could not be determined. The committee discussed whether adding the requirement of an attorney will help DMC issues. Judge Pancol moved to not support the preliminary draft. Judge Lee seconded the motion. The motion was passed.

10. Recent legislation.

a. Jeffrey Bercovitz distributed House Bills 1016 and 1037; and Senate Bills 7, 172, 143 to the committee.

b. Judge Duvall moved to not support House Bill 1016, which would make violations of underage drinking laws adult criminal acts rather than status delinquent acts. Judge Burnham seconded the motion. The motion was passed.

11. Other. Jeffrey Bercovitz announced the upcoming educational conferences.

12. Next meeting dates. Members of the committee agreed to meet again on Friday, February 4, 2011, March 4, 2011, May 6, 2011, June 3, 2011, October 7, 2011 and November 4, 2011 all from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law